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Issue Paper RUSSIA DOMESTIC VIOLENCE AGAINST WOMEN July 2001

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MAP



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1. INTRODUCTION

This Issue Paper deals with domestic violence against women in Russia from 1999 to January 2001. It updates and adds to information contained in a number of Responses to Information Requests, including RUS34251.E of 28 April 2000, RUS33887.E of 23 March 2000 and RUS30983.E of 26 January 2000, all available at IRB Regional Documentation Centres and on the IRB website at <www.irb.gc.ca>. For an in-depth analysis of violence against women in Russia prior to 1998, please consult the December 1997 Human Rights Watch report *Russia: Too Little, Too Late: State Response to Violence Against Women*, available at IRB Regional Documentation Centres.

2. THE EXTENT OF DOMESTIC VIOLENCE

Statistics obtained through the monitoring of telephone hotlines suggest that domestic violence spans all socio-economic classes in Russia; moreover, available evidence indicates that while some cases of domestic violence can be attributed to alcohol abuse, there are also many cases that do not involve alcohol consumption (WLDI 1999, *Mify i fakty*).

Sources state that it is difficult to determine the real extent of domestic violence given the absence of comprehensive statistics or studies (RFE/RL 26 Jan. 2001; IHF 2000, 381). The IHF reported that the available data is provided by social service organizations dealing with domestic violence and state agencies which record the number of criminal cases, although the lack of specific reference to domestic violence in the legislation makes it impossible to identify cases of domestic violence (*ibid.*).

RFE/RL reports that the most recent statistics for women killed in domestic violence are for the year 1997 (26 Jan. 2001).

On the basis of available information, IHF estimates that 80 per cent of all violent crimes in Russia are cases of domestic violence, including 12,000 to 15,000 incidents of rape every year (2000, 381). Statistics quoted by Tracy Dolan, the director of the US-based International Research and Exchanges Board's Partnership & Training Division in the Russian Federation, reveal that 30-40 per cent of murder victims, the majority of them women and children, are killed by a family member (*Frontline* Mar.-Apr. 2000, 1).

Lyudmila Zavatskaya, identified by *Prava Zhenshchin v Rossii* as the director of the American Bar Association's program Defense of Women's Rights (2000), claimed in remarks published by the Russian weekly *Kommersant-Dengi* on 18 October 2000, that the number of female victims of domestic violence every year in Russia is comparable to the total number of Soviet soldiers killed during the Soviet-Afghan war (RFE/RL 25 Oct. 2000; see also WLDI 1999, Statistika). Official statistics reportedly show that 12,000 to 16,000 women have died from domestic violence every year in Russia (RFE/RL 25 Oct. 2000; Pisklakova 7 Nov. 2000; IHF 2000, 381; RFE/RL 26 Jan. 2001; see also WLDI 1999, Statistika) over the last seven years (Pisklakova 7 Nov. 2000). Among these victims, the majority were killed by their husbands (IHF 2000, 381).

Zhenshchiny protiv nasiliya (Women Against Violence), a 1999 brochure published by Women, Law & Development International (WLDI), reports what it claims are conservative estimates that 75 per cent of husbands in Russia have hit their wives at least once, with 80 per cent of these husbands continuing to do so (WLDI 1999, Statistika). According to 1999 statistics provided by the Moscow-based women's crisis centre Syostri, "67 per cent of rapes are committed by close acquaintances and relatives; 47 per cent of cases of domestic violence end with pressure to enter into a sexual relationship" (IHF 9 Nov. 2000, 383).

The US-based non-governmental organization Speak Truth to Power, which is an organization "dedicated to the promotion of human rights awareness" (Speak Truth to Power n.d.), published a profile of Marina Pisklakova, Russia's leading women's rights activist (ibid. Sept. 2000). In the profile she described the economic component of domestic violence (economic control or economic abuse) as "one of the most insidious and hidden forms of domestic violence" in a country where 60 per cent of the unemployed are women and where a woman earns only 60 per cent of a man's salary for the same work (ibid.). Several factors contribute in varying degrees to the economic dependence of victims:

- The shortage of housing in Russia, which makes it difficult for a victim of domestic violence to move out (Pisklakova 7 Nov. 2000; WLDI 1999, Mify i fakty).
- The propiska system, under which "a Russian woman who voluntarily leaves a violent home risks losing her right to a residence, her right to vote and her status as a legal resident of the city, which might also prevent her from getting a job (*Frontline* Mar.-Apr. 2000, 6).
- Discrimination against women in the labour market (IHF 2000, 381).
- The virtual impossibility of forcing a man to pay alimony (ibid.).
- The belief that a child needs a "complete" family (ibid.).

3. LEGISLATION

Over the last two years, there have been no new legal provisions passed to address domestic violence (RFE/RL 26 Jan. 2001; *Frontline* Mar.-Apr. 2000, 6; Kalyan 4 Nov. 2000; Pisklakova 7 Nov. 2000). Some draft provisions specifically addressing this issue have been brought before the Duma (Russian Parliament), but have not been adopted (*ibid.*; Kalyan 4 Nov. 2000). As of late 1999, there had been some 50 failed attempts to have a law addressing domestic violence passed by the Duma, a figure that, according to *Country Reports 1999*, reflects "a lack of national political will to consider these issues seriously" (2000, Sec. 5). For example, referring to a bill on domestic violence submitted by the Ministry of Labour and Social Development in 2000, Marina Pisklakova stated that the bill was not passed because of the expected lack of financial resources to implement it (7 Nov. 2000).

According to *Country Reports 1999*, there is no definition of domestic violence in Russian legislation (2000, Sec. 5). The Russian Criminal Code has provisions on specific types of battering, although they are reportedly "defined too narrowly to apply to most cases" (*ibid.*). In practice, domestic violence falls under legal provisions which deal with violence in general (IHF 2000, 381). Following is a non-exhaustive list of articles of the Russian Federation Criminal Code that, according to Women, Law & Development International, can be invoked in cases of domestic violence that do not involve sexual abuse (1999, *Znay svoi prava*):

- Article 111 is invoked when there is a [translation] "deliberate infliction of grievous injury to health" (Russian Federation 1996);
- Article 112 is invoked in cases of [translation] "deliberate infliction of injury to health of medium severity" (*ibid.*);
- Article 115 penalizes [translation] "a deliberate infliction of light injury to health resulting in an impairment of health of short duration or an insignificant persistent loss of the general capacity for work" (*ibid.*) while Article 116 deals with "assault or other acts of violence causing physical pain but not having the consequences indicated in Article 115 of this Code" (*ibid.*).
- Article 117 defines brutality as [translation] "the infliction of physical or mental suffering by systematic beatings or other acts of violence, provided they do not have the consequences alluded to in Articles 111 and 112 of this Code" (*ibid.*);
- Article 119 deals with [translation] "uttering a death threat or the threat of causing grievous injury to health" (*ibid.*);
- Articles 129 and 130 deal with defamation and insults respectively (*ibid.*).

Following is a non-exhaustive list of articles of the Russian Criminal Code that, according to Women, Law & Development International, can be invoked in cases of sexual violence (2000, *Chto govorit zakon?*):

- Article 131 concerns rape, which is defined as [translation] "sexual relations with a female victim by using force or threatening to use force against the victim or other persons, or by taking advantage of the helplessness of the victim" (Russian Federation 1996). According to the IHF, Russian legislation does not distinguish marital rape from non-marital rape (2000, 382);

- Article 132 is invoked in case of [translation] "violent acts of a sexual nature" (Russian Federation 1996);
- Article 133 deals with [translation] "compulsion to engage in acts of a sexual nature" (ibid.);
- Article 134 prohibits [translation] "sexual relations and other acts of a sexual nature with a person under the age of fourteen (ibid.);
- Article 135 concerns acts of depravity (ibid.).

For an English translation of these articles, please see Appendix 1 at the end of this paper.

According to Marina Pisklakova, Russian legislation gives the defendant the opportunity to obtain a reduced sentence by arguing that the victim had provoked the violence (Speak Truth to Power Sept. 2000).

4. ATTITUDES TOWARDS AND PERCEPTIONS OF DOMESTIC VIOLENCE

There are conflicting reports concerning the perception of domestic violence by Russian society and politicians. While *Country Reports 1999* claims that "much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem or do not believe it to be an area for concern outside the family" (2000, Sec. 5), IHF writes that politicians and society do view domestic violence as a "serious problem", although not as a priority (2000, 381). Rita Drozdinskaya, the executive director of the Jewish Community Centre in the western Russian town of Voronezh reported in an interview with RFE/RL that Voronezh's mayor had recently lost the local elections partly because of his "insensitivity" to domestic violence (RFE/RL 26 Jan. 2001).

In an article in *Frontline*, Elena Potapova, the executive director of the Moscow-based crisis centre No to Violence (ANNA), said that "'violence in a family is the norm in [Russian] society. Our society relates to this problem very patiently. [Violence in the family] is not considered a problem, or it's considered a matter only for the husband and wife'" (Mar.-Apr. 2000, 1). Several sources corroborate Elena Potapova's comments that domestic violence tends to be considered a family matter in Russia (*The Patriot Ledger* 21 Feb. 2000; AP 21 Feb. 2000; *Country Reports 1999* 2000, Sec. 5).

Tatiana Alexeevna Sakaeva, a physician and a member of a group that visited the United States in early 2000 to learn how domestic violence is addressed there, stated that people in Russia feel ashamed to talk about domestic violence (*The Patriot Ledger* 21 Feb. 2000). Charlie Hosford, the director of Project Harmony, a group working in Russia through its Domestic Violence Community Partnership Program in Irkutsk (far-eastern Russia), Volgograd (southwestern Russia) and Petrozavodsk (northwestern Russia), reported that in cities such as Petrozavodsk the majority of people would not openly discuss domestic violence, even with neighbours or relatives (AP 21 Feb. 2000).

According to the IHF, divorce has long been accepted by the public, in particular if it is based on allegations of domestic violence, and divorced women are rarely harassed by their ex-husbands after divorce (2000, 381).

5. STATE PROTECTION

According to *Frontline*, unnamed "women's rights experts" claim that only 5 to 10 per cent of domestic violence incidents are reported to the authorities (Mar.-Apr. 2000, 1), while according to the

IHF, 40 per cent of victims of domestic violence do not seek state protection (2000, 382). There are many reasons for victims of abuse not seeking redress, including the propiska system (*Frontline* Mar.-Apr. 2000, 6), financial dependence on abusers (IHF 2000, 381), and the belief that police won't help (*Country Reports 1999 2000*, Sec. 5; IHF 1 June 2000; *ibid.* 2000, 381). In addition, the housing shortage discouraged victims of domestic abuse from leaving their homes (Pisklakova 7 Nov. 2000; WLDI 1999, *Mify i fakty*; *Country Reports 1999 2000*, Sec. 5), and the housing system itself makes it difficult to evict an abusive spouse even in cases of divorce (*ibid.*).

5.1 Law-Enforcement Agencies

According to Marina Pisklakova, there are no specific units within the police forces in Russia which deal with domestic violence (7 Nov. 2000). Complaints about domestic violence are usually received and processed by the district police precinct (*uchastkovaya militsiya*) (*ibid.*). According to Elena Kalyan, Project Harmony's network coordinator for Russia, in cases of minor injuries resulting from domestic violence, the police need a written statement from the victim in order to arrest the alleged perpetrator (4 Nov. 2000).

In practice, the police tend to be reluctant to take action when a case of domestic violence is reported (*Country Reports 1999 2000*, Sec. 5; AP 21 Feb. 2000), even when there is evidence of injuries (*ibid.*; IHF 2000, 381). In a *Frontline* article, Tracy Dolan spoke of a "systematic lack of responsiveness to battered women's claims for state protection on the part of the police, prosecutors, and the courts" (Mar.-Apr. 2000, 1). There are also reports that the police often refuse to officially register incidents of domestic violence (*ibid.*; IHF 2000, 381). According to Marina Pisklakova, the treatment of a claim of domestic violence at a police station depends on two factors: the level of sympathy felt for the victim by the police officers on duty at the time the claim is submitted (IHF 2000, 381) and the seriousness of the case, whether it involves a murder or serious injuries, for example (Pisklakova 7 Nov. 2000). She claims that the police treat female victims of domestic violence in a "horrendous" way, subjecting them to verbal insults (AP 21 Feb. 2000).

In addition to the lack of specific legislation and the tendency by police to consider such cases as purely domestic disputes, there are other reasons explaining the police attitude towards domestic violence. Kalyan reports that the law-enforcement agencies' reluctance to deal with domestic violence complaints can also be explained by the frequency of cases in which even victims who have made a written statement withdraw it and decide not to proceed (4 Nov. 2000). In an interview with RFE/RL, Lesley Weiss, a representative of NCSJ, a Washington-based organization defending the rights of Jews living in the former Soviet Union, also explained the police attitude towards domestic violence as a consequence of the police forces' lack of financial and human resources for dealing with domestic violence cases (RFE/RL 26 Jan. 2001). Also, the police can refuse to register complaints of domestic violence on the grounds that there are no witnesses and that the medical evidence does not meet legal standards (IHF 2000, 381).

5.2 Legal Recourse

For a detailed description of the steps that a victim of domestic violence should follow to file a criminal suit, as suggested by Women, Law & Development International, please see Appendix 2: How to File a Criminal Suit.

According to Women, Law & Development International, seeking legal redress in cases of domestic violence is in general, a difficult process (1999, *Znay svoi prava*). Thus, although the number of victims is estimated to be in the tens of thousands, legal proceedings have been initiated in "only a few cases," according to the IHF (1 June 2000). In commenting on the difficulties faced by victims of

domestic violence as a result of the propiska system, Tracy Dolan wrote that in Russia "it is better to look for ways to force the abuser out of the home and Russian lawyers are beginning to win court cases that do this" (*Frontline* Mar.-Apr. 2000, 6).

Nevertheless, in general, there is in the legal community a "lack of understanding" of domestic violence (*Country Reports 1999 2000*, Sec. 5). Officials, although trying to comply with women's organizations' admonitions to be more "sensitive," continue to be reluctant to process cases of domestic violence, fearing that the victims will withdraw their statements (Kalyan 4 Nov. 2000). Several sources also claim that "women-blaming attitudes" are common in the legal system of Russia (ibid.; *Frontline* Mar.-Apr. 2000, 1; *Speak Truth to Power* Sept. 2000): many judicial officials think that a woman claiming to be victim of domestic violence helped trigger the violent acts of her spouse, an attitude which, according to Marina Pisklakova, undermines the accountability of perpetrators (ibid.).

6. ASSISTANCE TO VICTIMS OF DOMESTIC ABUSE

In *Frontline*, Tracy Dolan stated in a *Frontline* article that "government and non-governmental crisis centres for women, along with legal assistance programs and shelters, form the first and sometimes only line of assistance to victims of domestic violence" (Mar-Apr. 2000, 1). According to Kalyan, while this is true in some cities in Russia, there is no information on domestic violence nor any such assistance available to victims in most small towns and villages in Russia (4 Nov. 2000). Even in cities such as Petrozavodsk, according to Project Harmony's director Charlie Hosford, options available to women victims of domestic violence are limited (AP 21 Feb. 2000). Tracy Dolan stressed, in *Frontline*, the almost total lack of an "intervention system or set of services to provide adequate and gender-sensitive legal and social services for abused women" in Russia (Mar.-Apr. 2000, 1). However, she notes that there have been cases of cooperation between crisis centres and local authorities such as the police and the courts in some regions (ibid.; WLDI 1999, Kto mozhet pomoch'?). For example, the Lana crisis centre in the Western Siberian town of Nizhni Tagil worked with the municipal Department of Social Protection to hold a seminar on psychological and social problems within the family (*Frontline* Mar.-Apr. 2000, 4).

6.1 Assistance Provided by the State

State shelters fall under the jurisdiction of the Ministry of Labour and Social Development (Pisklakova 7 Nov. 2000). Marina Pisklakova did not know of any state-run shelters in Moscow but was aware of such shelters in St. Petersburg, Murmansk, Tyumen and Arzamas, most of them underfunded (ibid.). In 1998, the authorities of Petrozavodsk opened a shelter for abused women and small children that provides a place to stay, free lunches and some financial aid (Kalyan 4 Nov. 2000).

Medical care is usually available to victims of domestic violence, but some physicians are "reluctant to ascertain the details of a sexual assault, fearing that they may be required to spend long periods in court" (*Country Reports 1999 2000*, Sec. 5).

For more information on medical care, please see Appendix 3: Medical Care, which outlines what Women, Law & Development International recommends to women victims of violence in Russia who seek medical assistance.

6.2 Assistance Provided by Non-Governmental Organizations

Urban crisis centres and other organizations that provide assistance to women victims of domestic violence are generally run by non-governmental organizations (Kalyan 4 Nov. 2000; IHF 2000, 381). As of late 1999, there were about 40 crisis centres across Russia (*Speak Truth to Power* Sept. 2000;

Country Reports 1999 2000, Sec. 5); they were all founded in recent years and their number is increasing (ibid.).

The assistance provided can include telephone hotlines (*Frontline* Mar.-Apr. 2000, 4; IHF 2000, 382; Kalyan 4 Nov. 2000), psychological counselling (ibid.; IHF 2000, 381-382), legal assistance (Kalyan 4 Nov. 2000; IHF 2000, 381; *Frontline* Mar.-Apr. 2000, 6), referrals of victims to specialized services (WLDI 1999, Kto mozhet pomoch'), anonymous free medical assistance (IHF 2000, 382), centre employees' participation in court proceedings (as witnesses, experts or defence counsel) (ibid.) and support groups (ibid.; WLDI 1999, Kto mozhet pomoch'). Several crisis centres also publish brochures and articles in the media (*Frontline* Mar.-Apr. 2000, 4, 6) and organize training sessions or seminars for law-enforcement officers (ibid., 4; Pisklakova 7 Nov. 2000), medical personnel, students in social services and volunteers in newly-created centres (*Frontline* Mar.-Apr. 2000, 4, 6). Crisis centre staff also help women victims of domestic violence formulate "personal safety plans," survival measures that the victim can use should a situation force her to leave the home (WLDI 1999, Kto mozhet pomoch').

In September 1999, the Russian Association of Crisis Centers for Women was established (Kalyan 4 Nov. 2000; *Frontline* Mar.-Apr. 2000, 4) with a membership of about 40 crisis centres (Pisklakova 7 Nov. 2000) both in Russia and other countries of the Commonwealth of Independent States (CIS) (IHF 2000, 382). The association is registered with the authorities (ibid.; Speak Truth to Power Sept. 2000) and recognized by the Russian government (ibid.). The association's purpose is to enhance communications among members and coordinate the nationwide collection of statistics on domestic violence (*Frontline* Mar.-Apr. 2000, 4).

NOTES ON SELECTED SOURCES

Marina Pisklakova

An aeronautics engineer by training, Marina Pisklakova is the chair of ANNA, "a non-governmental, non-profit organization dedicated to the elimination of domestic violence" based in Moscow. In September 1999, she was also elected chair of the Association of Crisis Centers (Pisklakova 7 Nov. 2000).

Project Harmony, Domestic Violence Community Partnership Program

According to Project Harmony's website, "Project Harmony is an American nongovernmental, nonprofit organization that arranges educational and professional programs in the Newly Independent States (NIS) and the United States. In 1998, Project Harmony received a grant from the United States State Department to administer 'The Domestic Violence Community Partnership Program.' This is a two-year program taking place in Petrozavodsk and Volgograd, Russia; and in Odessa and Lviv, Ukraine. In 1999, Project Harmony received another grant to continue the program through August 2001 and to extend the locations to include the cities of Irkutsk, Russia; Uzhgorod, Ukraine; and Tbilisi, Georgia" (n.d.).

Women, Law & Development International (WLDI)

According to information provided by Gabrielle Yvonne Akimova, a Moscow-based independent consultant for Women, Law & Development International, WLDI is "a women's human rights organization dedicated to working globally on making rights real for women. In 1996, WLDI, in collaboration with seven Russian crisis centers, initiated the *Russian Women Lawyers Advocacy Project*, a legal advocacy program, which incorporated legal professionals into the anti-violence grassroots movement.

The project's goals were to:

- address systemic problems in dealing with sexual assault and domestic violence;
- strengthen coalitions between Russian crisis centers and the legal community; and
- provide effective legal advocacy for sexual assault and domestic violence survivors.

In pursuit of these goals, WLDI created "legal teams" consisting of two Russian lawyers and one crisis center counselor in each crisis center—two in Moscow, and one each in the cities of St. Petersburg, Saratov, Murmansk, Irkutsk, and Nizhny Tagil" (3 July 2001).

APPENDIX 1: ARTICLES 111, 112, 115, 116, 117, 119 AND 129 TO 135 OF THE RUSSIAN FEDERATION CRIMINAL CODE

[Translation]

Article 111. Deliberate infliction of grievous injury to health

1. Deliberate infliction of grievous injury to health which is life-threatening or results in the loss of sight, speech, hearing, or any organ, or the loss by an organ of its functions, or the interruption of a pregnancy, mental disturbance, narcomania or toxicomania, or permanent disfigurement, or significant permanent loss of at least one third of the general capacity for work, or, with knowledge aforethought, total incapacity to pursue a trade, shall be punished by deprivation of liberty for a term of two to eight years (provision inserted with effect as from 27 June 1998 by Federal Statute No. 92-FZ of 25 June 1998).
2. The same acts committed:
 - a) against a person or his family in connection with the performance by that person of official or public duty,
 - b) with especial cruelty towards, or torment or torture of, the victim, and also against a person known by the guilty party to be helpless,
 - c) in a manner endangering the public,
 - d) under hire,
 - e) from motives of hooliganism,
 - f) from motives of ethnic, racial or religious hatred or hostility, or
 - g) for the purpose of using the organs or tissues of the victimshall be punished by deprivation of liberty for a term ranging from three to ten years.
3. The acts provided for in the first and second clauses of this article, if they are committed
 - a) by a group of persons, by a group of conspirators, or by an organized group,
 - b) against two or more persons, or
 - c) more than once, or by a person who has previously committed a homicide provided for in Article 105

of this Code

shall be punished by deprivation of liberty for a term ranging from five to twelve years.

4. Actions provided for in clauses 1, 2 and 3 of this article resulting in the death of the victim through negligence shall be punished by deprivation of liberty for a term ranging from five to fifteen years.

Article 112. Deliberate infliction of injury to health of medium severity

1. Deliberate infliction of injury to health of medium severity which is non-life-threatening and does not have the consequences referred to in Article 111 of this Code, but which causes lengthy impairment of health or a significant permanent loss of at least one third of the general capacity for work, shall be punished by detention for a term ranging from three to six months or by deprivation of liberty for up to three years.
2. The same act committed
 - a) against two or more persons,
 - b) against a person or his family in connection with the performance by that person of his official or public duty,
 - c) with especial cruelty towards, or torment or torture of, the victim, and also against a person known by the guilty party to be helpless,
 - d) by a group of persons, by a group of conspirators, or by an organized group,
 - e) from motives of hooliganism,
 - f) from motives of ethnic, racial or religious hatred or hostility, or
 - g) more than once or by a person who has previously committed the offence of grievous injury to health or homicide provided for in Article 105 of this Codeshall be punished by deprivation of liberty for a term of up to five years.

Article 115. Deliberate infliction of light injury to health

The deliberate infliction of light injury to health resulting in an impairment of health of short duration or an insignificant persistent loss of the general capacity for work shall be punished by a fine of fifty to one hundred times the minimum wage rate, or by a fine equal to the wages or other income of the convicted person for a period of up to one month, or by compulsory labour for a period of one hundred and eighty to two hundred and forty hours, or by corrective labour for a term of up to one year, or by detention for a term ranging from two to four months.

Article 116. Assault

Assault or other acts of violence causing physical pain but not having the consequences indicated in Article 115 of this Code shall be punished by a fine of up to one hundred times the minimum wage rate, or by a fine equal to the wages or other income of the convicted person for a period of up to one month, or by compulsory labour for a period ranging from one hundred and twenty to one hundred and eighty hours, or by corrective labour for a term of up to six months, or by

detention for a term of up to three months.

Article 117. Brutality

1. The infliction of physical or mental suffering by systematic beatings or other acts of violence, provided they do not have the consequences alluded to in Articles 111 and 112 of this Code, shall be punished by deprivation of liberty for a term of up to three years.
2. The same actions perpetrated
 - a) against two or more persons,
 - b) against a person or his family in connection with the performance by that person of his official or public duty,
 - c) against a woman known by the guilty party to be pregnant,
 - d) against a person known by the guilty party to be a minor or helpless, or financially or otherwise dependent on the guilty party, and also a person kidnapped or seized as a hostage,
 - e) with the application of torture,
 - f) by a group of persons, by a group of conspirators, or by an organized group,
 - g) under hire, or
 - h) from motives of ethnic, racial or religious hatred or hostility

shall be punished by deprivation of liberty for a term ranging from three to seven years.

Article 119. Uttering a death threat or the threat of causing grievous injury to health

Uttering a death threat or threatening to cause grievous injury to health, if there were grounds for fearing that such a threat would be carried out, shall be punished by restriction of liberty for a term of up to two years, or detention for a term of four to six months, or deprivation of liberty for a term of up to two years.

Article 129. Defamation

1. Defamation, i.e. spreading information known to be false which lowers the honour or dignity of another person or undermines his reputation, shall be punished by a fine of fifty to one hundred times the minimum wage rate or by a fine equal to the wages or other income of the convicted person over a period of one month, or by compulsory labour for one hundred and twenty to one hundred and eighty hours, or by corrective labour for up to one year.
2. Defamation contained in a public utterance, a publicly exhibited work or the mass media shall be punished by a fine of one hundred to two hundred times the minimum wage rate or by a fine equal to the wages or other income of the convicted person over a period of one to two months, or by compulsory labour for one hundred and eighty to two hundred and forty hours, or by corrective labour for one to two years, or by detention for a term of three to six months.
3. Defamation involving an accusation that a person has committed a serious or particularly serious crime shall be punished by restriction of liberty for a period of up to three years, or detention for four to six months, or deprivation of liberty for up to three years.

Article 130. Insults

1. An insult, i.e. the indecorously expressed lowering of the honour and dignity of another person, shall be punished by a fine of up to one hundred times the minimum wage rate or by a fine equal to the wages or other income of the convicted person over a period of up to one month, or by compulsory labour for a period of up to one hundred and twenty hours, or by corrective labour for a period of up to six months.
2. An insult contained in a public utterance, a publicly exhibited work or the mass media shall be punished by a fine of up to two hundred times the minimum wage rate or by a fine equal to the wages or other income of the convicted person over a period of up to two months, or compulsory labour for a period of up to one hundred and eighty hours, or corrective labour for a period of up to one year.

CHAPTER 18. CRIMES AGAINST THE SEXUAL INVIOABILITY AND SEXUAL FREEDOM OF THE PERSON**Article 131. Rape**

1. Rape, i.e. sexual relations with a female victim by using force or threatening to use force against the victim or other persons, or by taking advantage of the helplessness of the victim, shall be punished by deprivation of liberty for a term of three to six years.
2. Rape:
 - a) committed more than once or by a person who has previously committed violent acts of a sexual nature,
 - b) committed by a group, a group of conspirators, or an organized group,
 - c) combined with the threat of death or grievous injury to health, and also committed with especial cruelty to the victim or other persons,
 - d) resulting in the infection of the victim with venereal disease, or
 - e) committed against a person known to be a minorshall be punished by deprivation of liberty for a period of four to ten years.
3. Rape:
 - a) resulting in the death of the victim through negligence,
 - b) resulting in serious injury to the health of the victim, her infection with HIV, or other serious consequences, or
 - c) committed against a victim known to be under the age of fourteen,shall be punished by deprivation of liberty for a period of eight to fifteen years.

Article 132. Violent acts of a sexual nature

1. Sodomy, lesbianism or other acts of a sexual nature involving the use of force or the threat of the use of force against the victim or other persons, or taking advantage of the helplessness of the

victim, shall be punished by deprivation of liberty for a period ranging from three to six years.

2. The same acts

- a) committed more than once or by a person previously guilty of rape,
- b) committed by a group of persons, by a group of conspirators or by an organized group,
- c) combined with the threat of death or the infliction of grievous injury to health, and also committed with especial cruelty towards the victim or other persons,
- d) resulting in the infection of the victim with venereal disease, or
- e) committed against a person known to be a minor

shall be punished by deprivation of liberty for a period of four to ten years.

3. The acts provided for in clauses 1 and 2 of this article, if they:

- a) have resulted in the death of the victim through negligence,
- b) have resulted through negligence in grievous injury to health to the victim, his or her infection with HIV, or other grave consequences, or
- c) have been committed against a person known to be under the age of fourteen

shall be punished by deprivation of liberty for a period of eight to fifteen years.

Article 133. Compulsion to engage in acts of a sexual nature

Compelling a person to engage in sexual relations, sodomy, lesbianism or other acts of a sexual nature by means of blackmail or the threat of destruction of property, damage thereto or expropriation thereof, or exploiting the financial or other dependence of the victim, shall be punished by a fine of two hundred to three hundred times the minimum wage rate or by a fine equal to the wages or other income of the convicted person over a period of two to three months, or by corrective labour for up to two years, or by deprivation of liberty for a period of up to one year.

Article 134. Sexual relations and other acts of a sexual nature with a person under the age of fourteen

Sexual relations, sodomy or lesbianism committed by a person who has reached the age of eighteen with a person known to be under the age of fourteen shall be punished by restriction of liberty for a term of up to three years or deprivation of liberty for a term of up to four years. (Title and text of the article included in the version put into effect as from 27 June 1998 **by Federal Statute No. 92-FZ of 25 June 1998**).

Article 135. Acts of depravity

The perpetration of acts of depravity without the use of force against a person known to be under the age of fourteen shall be punished by a fine of three hundred to five hundred times the minimum wage rate or by a fine equal to the wages or other income of the convicted person over a period of three to five months, or by restriction of liberty for up to two years, or by deprivation of liberty for up to three years.

Source: Russian Federation. 1996, with amendments to July 1999. 9 July 1999. *Ugolovnyi kodeks Rossiiskoy Federatsii (s izmeneniyami na 9 iyulya 1999 goda)*. Articles 105 to 135.
<<http://black.inforis.ru/infobase/www.exe/a/90.new/?doc=11614>> [Accessed 31 July 2000]

APPENDIX 2: HOW TO FILE A CRIMINAL SUIT

The following is a translated excerpt from a 1999 brochure of the *Russian Women Lawyers Advocacy Project* implemented by the women's human rights organization, Women, Law & Development International, together with Russian crisis centres from Moscow, St. Petersburg, Saratov, Nizhnyi Tagil, Murmansk and Irkutsk. This brochure is entitled *Zhenshchiny protiv nasiliya (Women Against Violence)*.

[Translation]

If you have been subjected to or threatened with physical violence and want criminal charges brought against your abuser, we can help you make sure your rights are protected. If your city has no Crisis Centre, lawyers, close relatives, and legally authorized representatives of community organizations may represent you in court.

1. FILE A REPORT with the officers on duty at the police station or with the public prosecutor's office in the jurisdiction where the crime occurred.

Your report should include:

- information about where the crime took place;
 - information about when the crime took place;
 - information about the party responsible for the crime;
 - information about the crime's consequences;
 - a request to "press criminal charges against the responsible party." If it is difficult for you to write this report on your own, ask a lawyer or a legal expert from the Crisis Centre for help.
2. CHECK to make sure that your report is registered in the incident journal.
 3. When filing your report, INSIST on obtaining an acknowledgement of receipt that includes the following information:
 - who registered your report;
 - when your report was received;
 - your report's registration number.
 4. TELL the officials at the police station or the public prosecutor's office:
 - about what happened;
 - the names of witnesses;
 - the name of the trauma centre where you went for help.

Carefully read their record of your statements and explanations;

Do not sign their record until all mistakes in it have been corrected by the police officers or by you personally.

5. INSIST THAT THE POLICE OFFICERS assign forensic medical examiners to your case.
6. REMEMBER that if the crime has resulted in damage to your property or damage to your health requiring you to undergo medical treatment, you can launch a civil action for damages even while the criminal investigation is going on.
7. PROVIDE evidence (medical documents that confirm your physical injuries, the names of people who witnessed the crime, etc.).

What to do if the police refuse to accept your report

If within 3 days (10 days in special cases) no decision has been made concerning your report or if you are not satisfied with the police response, you can complain about the investigator to higher authorities, including the head of the Regional Internal Affairs Directorate and the Police Department's Personal Safety Directorate.

You have the right to complain about the police's:

- refusal to accept and register your report;
- failure to assign forensic medical examiners to your case;
- improper conduct of the investigation;
- procrastination in launching criminal proceedings and investigating the case.

You can send your complaints to a public prosecutor, a judge, or the head of the police station where you filed your report. A person who files a complaint must be notified of the official decision within one month.

Remember

that according to Article 53 of the code of criminal procedure of the Russian Federation, you and your counsel have the right to present evidence, submit petitions, have access to the documents related to your case once the preliminary investigation has been completed, participate in the legal proceedings, file complaints against the actions of the police investigator, the investigator for the public prosecutor's office, the prosecutor, and the court; you can also file complaints about a sentence handed down by the court, a determination made by the court or an order issued by a judge.

Source: Women, Law & Development International, *Russian Women Lawyers Advocacy Project* [Moscow]. 1999. *Zhenshchiny protiv nasiliya* (Women Against Violence).

APPENDIX 3: MEDICAL CARE

The following is a translated excerpt from a 1999 brochure of the programme, *Russian Women Lawyers Advocacy Project*, implemented by the women's human rights organization, Women, Law & Development International, together with Russian crisis centres from

Moscow, St. Petersburg, Saratov, Nizhnyi Tagil, Murmansk and Irkutsk. This brochure is entitled *Zhenshchiny protiv nasiliya* (Women Against Violence).

[Translation]

Remember

that according to Article 53 of "The Foundations of the Russian Federation's Legislation on Protecting the Health of its Citizens", you have the right to decide which forensic medical examiners and forensic medical establishments (trauma centres, clinics, etc.) will examine you for the purposes of providing expert testimony.

Doctors **MUST** examine you! (If a doctor refuses to help you and your health worsens as a result, the doctor is criminally responsible, according to Article 124 of the Criminal Code of the Russian Federation).

You can turn to the following establishments for medical help:

1. A trauma centre (if you are physically able to get there on your own).
2. An ambulance (if you are physically unable to move about).
3. Any other medical establishment.

It is advisable to do this IMMEDIATELY!

At the hospital or trauma centre:

DESCRIBE

- under what circumstances you received your beating;
- who inflicted the beating;
- when it occurred;
- where it occurred.

SHOW

all your injuries and report any painful sensations.

ALL THIS INFORMATION

will be entered into a medical record by the doctor on duty.

In the record, the doctor will describe the nature of your physical injuries and the medical procedures used to treat them.

The information in this medical record can be used in the future as evidence against the suspect; it will also be taken into consideration by the forensic medical examiners when they formulate their conclusions.

MAKE SURE

that the doctor indicates in the record:

- where your physical injuries are located;

- their size;
- how long they took to form;
- how you received them.

IF NECESSARY,

the doctor will give you a certificate of disability, prescribe a treatment or order a medical examination or medical procedures.

Be sure to get a certificate indicating that you went to a medical establishment because of bodily injuries.

THE CERTIFICATE SHOULD INCLUDE

- your record number;
- the date you went to the medical establishment;
- the doctor's full name, legibly written;
- the medical establishment's stamp.

Source: Women, Law & Development International, *Russian Women Lawyers Advocacy Project* [Moscow]. 1999. *Zhenshchiny protiv nasiliya* (Women Against Violence).

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